## MINUTES OF THE HERITAGE PRESERVATION COMMISSION

CITY OF SAINT PAUL, MINNESOTA

Lower Level – Room 41, City Hall/Court House, 15 West Kellogg Boulevard April 28, 2011

Present: Richard Dana, Jennifer Haskamp, Renee Hutter, Rich Laffin, John Manning, Steve

Trimble

Absent (excused): Robert Ferguson, Matt Mazanec, Matt Hill, David Riehle, Diane Trout-

Oertel, Mark Thomas

Staff Present: Amy Spong, Christine Boulware

**CALL TO ORDER:** 5:03 by John Manning (Chair)

- I. APPROVAL OF THE AGENDA: The agenda was approved with the addition of a report from Commissioner Trimble on the 3M meeting. (Dana, Haskamp) 6-0
- II. CONFLICT OF INTEREST: None were stated.
- III. CHAIR'S ANNOUNCEMENTS: None were stated.
- IV. STAFF ANNOUNCEMENTS: Staff Spong announced that the outreach meetings are scheduled and the first for Payne-Phalen is scheduled for tonight, which she will be opening with slides about the survey, what has been surveyed already, and how survey information is used. Carol Carey will talk about Historic St. Paul, no reps for Ramsey County will be there, and Mead and Hunt will talk about initial findings. The Frogtown public hearing is May 2 from 6:00-8:00 pm and Uppertown is May 4 from 6:00-8:00 pm. Staff Spong and the Mead and Hunt consultants scheduled a drive around for May 12 to discuss the initial findings in the three areas. Chair Manning asked what happens when the survey work is done. Staff Spong said that the HPC may need to make a formal decision to accept the document or to recommend changes and once it's an accepted document they can use it as a basis for work plans, prioritizing, and next steps.

Chair Manning asked if staff had anything to add about the preservation awards. Staff said that they were lining up presenters and contacting jury members for more information on the award recipients, and asked the Commission if someone would contact Lee Meyer and Pat Igo to request that they attend and accept their award of appreciation. Commissioner Laffin volunteered to do so.

Commissioner Trimble said he was contacted by Laurie Lauder and Monte Hilleman who invited him, Carol Carey, and Jane Prince on April 14 to discuss the demolition of building No. 24 and the water tower. It has been more than a year and a half since the MOA was signed. The Port will move forward with a new 1.5 acre site. Demolition won't happen until July or August. The official meeting was the next day. Cassidy Turley, the marketers, spoke about why the demo was happening. There were eight strong prospects in a year and a half, two of which were manufacturers. Staff Spong asked if they spoke about Ironton which actually has a purchase agreement on the other core of buildings, and are they concerned that the removal of that might negatively impact on their ability to market. Commissioner Trimble said no, that no update was given about Ironton. Staff Spong said that short of a local designation there is no real protection they can give, unless there is a political will to do so. Commissioner Trimble said they also heard about the changes that will be made, including the addition of vertical wind generators.

## V. APPROVAL OF THE MEETING MINUTES

A. February 10, 2011 Business Meeting

B. March 24, 2011 Public Hearing/Permit Review

Commissioner Trimble motioned to approve the minutes. Commissioner Laffin seconded the motion. The motion was passed 6-0.

## VI. DISCUSSION

A. **Chapter 73 and 74 Ordinance Revisions**, discuss draft language, suggested revisions, goals and strategies. This is a follow-up discussion from the retreat held on March 31st. (Spong, 266-6714)

Group 1: Demolition Delay (Ferguson) - Not discussed.

Group 2: Enforcement and Demolition by Neglect (Trout-Oertel) – Chair Manning said that the group hasn't met since the retreat, which needs to be scheduled. He said that he discussed with Staff Boulware the language in the ordinance and what the process is around enforcement for the HPC. He said they should look at punitive fees and the structures other communities use. Staff Boulware said that St. Paul is structured differently from other cities, but it might inform how to channel information and how to categorize the matter. She said it would be helpful to see how the Commissioners perceive the process and how they think it might work. Chair Manning suggested that a few of the Commissioners read through the ordinance and see how they summarize it. Staff Boulware asked Commissioner Haskamp to provide her insight since she has experience working with other cities. Chair Manning said that they would need the staff enforcement diagram before moving on to the next step.

Group 3: Fees (Thomas) – Commissioner Laffin said he had a meeting with the other group members last week. He thought there were valuable exchanges between HPC and PED staff. They discussed some questions about whether it made sense to apply fees for HPC staff services – everyone agreed that that was the way to go. Mark Thomas proposed some key words and phrases from the retreat discussion, but they did not get into particulars. They discussed the ways fees could be collected aside from cash and check, if staff could accept credit or debit cards. PED staff is going to check with HPC staff on how monies can be received. Commissioner Haskamp said it was useful to see how the PED staff looks at their fee structure in terms of what types of costs they hope to recoup out of the fees they are charging, and how they look at it from a year over year perspective and how you continually maintain recovery of those costs over time. PED staff looks at an average of how much time it takes to do the work, what the average type of staff hour or price would go with that, and establishing fees based on a recovery rate they're looking for.

Commissioner Dana asked to clarify that fees aren't based on whether it was a minor or major zoning variance. Commissioner Haskamp said yes, such as a conditional use permit, a variance, or a lot split has an average number of staff hours it takes to do the work and the average cost associated with the work, and then they try to determine what the target number is for recouping the costs. PED staff said they try to recoup an average of 60-80%. Commissioner Riehle asked Staff Boulware if that's how they would look at projects. She responded that she wasn't sure, zoning fees have been around for along time, whereas HPC staff would be starting from scratch. Commissioner Haskamp said that the group felt like it has to be something reasonable and places importance on what they do, and that without the fees the HPC and staff tends to be an after thought instead of being part of the process. Fees will signal to people that preservation requirements are important, but they can't set the bar too low initially or they'll never recover it over time. Commissioner Laffin said that Commissioner Haskamp is a planning consultant and recommended that there be a fee for all service so that even so-called no-change reviews still

require a fee, which would make sure that people who come in with an application that they are intent on pursuing it and it doesn't sit on a pile – if there is money associated with it then it is an intentional project. Chair Manning asked if other municipalities had similar base fees for no-change applications. Commissioner Haskamp said that the City of Minneapolis does a zero-charge on their no-change types of applications, which has been difficult because people come in and try to fit in under that zero-dollar application fee versus applying for what they're actually intending to do. Their fee structure went from \$0 to \$250, so there is a huge range between the no-change and then whatever the next thing was. The group talked about doing a nominal fee at the low end and keeping the range between that and the next step less broad. Commissioner Trimble asked if they discussed punitive fees. Commissioner Haskamp said that the Zoning Dept. does a double-fee for an after-the-fact situation. No determination was made, but they all agreed that there should be something to enforce the regulations. Commissioner Laffin said they also talked about whether fees might be waived in certain situations such as if someone is unable to pay, but that it would be too hard to apply a subjective determination about whether someone might not be able to afford a fee. Commissioner Dana said it would be easier to have a flat fee versus a fee based on the value of the work, which could be skewed by the applicant. Commissioner Laffin said that the thought was that these fees would be based on square-footage instead of estimated value. Commissioner Dana said that there would be less resistance with an HPC permit fee in place. Chair Manning said the concern is that they don't want to deter people from pursing a project. Commissioner Haskamp said that in the communities that she's worked in, most people associate fees with importance, makes them think that this is a real process and there are real fees and requirements in place.

Staff Boulware said there are several cases where people start the process and they don't follow through, and asked if there was discussion about when the fee would be collected, if it would be when the application is made or when it is picked up. Commissioner Haskamp said they discussed that the fee would be collected when the application is made which implies that it is a final application. Commissioner Dana said that the fee should be collected upfront because staff is doing the work. Commissioner Haskamp said that group members and staff will reconvene in a month after staff reviews and updates the spreadsheet with the number of applications they process, the average time it takes, and the average staff hours so they can get a sense of costs, and discuss the process and what will work for them. Staff Boulware said most contractors expect a fee; homeowners may be surprised by the new fee. Commissioner Dana said that there is a sense of credibility associated with paying a fee, and applicants will take it more seriously. Commissioner Laffin said that a fee attached to the application process will make the endeavor more earnest. Chair Manning said the concern for homeowners will be that designation means they have to pay the HPC money to do work on their house. Commissioner Laffin said that we are now in an era where with decreasing LGA support from the state government people expect fees now associated with work. Commissioner Dana said he was interested in the punitive fees and finding out when HPC can fine. such as people doing work without a permit or work that doesn't comply.

VII. ADJOURN: 5:52

Submitted by: B. Willging